

MISC. CIVIL APPLICATION NO. 396 OF 1993.

Date of decision: 14.12.1995.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. B.P. Tanna, advocate for petitioner.

Party in person for respondent.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

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December 14, 1995.

Oral judgment (Per Soni, J.)

Arrears of octroi to the tune of Rs.26,389/- with interest of Rs.7,870/- remained due to the petitioner from the respondent and the respondent was required to pay the same within the time agreed between them as per the settlement. Alleging non-compliance of the agreement arrived at between the parties by virtue of the court's order, this application came to be filed.

On service of notice of rule, respondent is present before the court and states that the principal amount due to the petitioner, that is, Rs.26,389/- is paid off on 8.12.1995. Therefore, it can be said that the contempt is purged partially. The amount of interest, i.e., Rs.7,870/- is still due to the petitioner. The respondent states that the company is closed and they are passing through very severe financial crisis and he may be in a position to pay the amount of Rs.7,870/- by instalments to be completed within six months from today. We may be precise to say that the said amount of interest will be paid off on or before 30.6.1996.

In view of the above statement made by the respondent and when the principal amount has been paid off, the contempt has been purged and in view of the statement made by the respondent, as stated above, we would like to drop the proceedings against the respondent.

Hence, the proceedings are dropped. Rule discharged. No order as to costs.